

Littleton Burton Clerk, John)
Charlewood, Tho. Speeres and } APPELLANTS.
William Van Gheyn

Henry Lord Bishop of Lon-
don, and Michael Hutch- } RESPONDENTS.
inson Clerk.

The Respondents Cafe.

THE Town of *Hammersmith* is within and part of the Parish of *Fulham*, in the County of *Middlesex*, and within the Diocese of *London*; and the Parish of *Fulham* is a Rectory of which the Bishop of *London* is Patron, and to this Rectory there is a Vicaridge Appendent that is endowed.

5 Dec. 1629. The Inhabitants of *Hammersmith* petitioned Dr. *Laud*, then Bishop of *London*, for Leave at their own Charge to erect a Chapel of Ease in *Hammersmith*, and that they might recommend a Curate there for his Lordship's Approbation: WHEREUPON the Bishop then directed them to apply to Dr. *Cluet*, then Vicar of *Fulham*, for his Consent; which the Inhabitants did, and a Writing was made between the said Vicar and the Inhabitants of *Hammersmith*, whereby it was agreed, That all the Vicar's Rights should be preserved as amply as if such Chapel had not been erected; and that the said Inhabitants should at their own Costs find and maintain the Curate, and that the said Vicar and his Successors should be discharged from finding and maintaining the said Curate, but no certain Maintenance is thereby provided for the said Curate.

After which, Applications were again made to the said Lord Bishop, for his Consent, and the said Agreement between the said Vicar and the Inhabitants, was laid before his Lordship; who to encourage the erecting of such Chapel, gave nine Rod and three Feet of Land, from North to South, and three Rod from East to West (out of his Mannor of *Fulham*) which is the East part of the said Chapel-Yard, and upon which the Chancel, and part of the Body of the Chapel was erected. That the Lord Bishop, altho' requested, refused to allow of a Recommendation of a Curate, by any of the Inhabitants (much less of a popular Nomination of such Curate) but expressly reserved that to himself, and his Successors Bishops of *London*, insisting that a certain Maintenance for such Curate should be established. The same, after several Transactions between the Inhabitants and his Lordship, was agreed to, and the Chapel being finished, was at the Petition of the said Inhabitants consecrated; and in the Instrument of Consecration, the Right of naming the Curate is expressly reserved to the Bishop of *London* and his Successors, and 30*l.* per An. Stipend provided for the Curate; and the Vicar of *Fulham*'s Rights preserved. To which Instrument the same Inhabitants (who before signed the Articles with the Vicar) are Witnesses, and no more.

Consecration.

June 7. 1631.

July 13. 1631.

That pursuant to what had been acted, the same Lord Bishop nominated *James Dent* Curate of the said Chapel, and he was accordingly admitted thereunto, and continued Curate there till 1647, when he dyed; and then the Troubles in Church and State being great, nothing was farther done until 1662: And then

Anno 1662.
Mr. Wade made Curate.

Mr. Wade dyed
in November

1707.

5 Febr. 1707.
Mr. Hutchinson

nominated Curate.

John Wade was Named Curate, and Licensed by the then Bishop of *London* to preach there, where he continued till November 1707, and then he dyed; on whose Death the present Bishop of *London* nominated the Respondent *Hutchinson* to be Curate of the said Chapel, on whom the Inhabitants, in full Vestry (of which due Notice was given) settled the Benefit of the Pews of the said Chapel, in the same manner as they were on the said Mr. *Wade*.

The Respondent *Hutchinson*, with the Consent of the Inhabitants, at the Expence of 141 *l.* erected a Gallery in the Chapel; which Money the then Church-Warden and others, Inhabitants of *Hammersmith*, under their Hands and Seals, covenanted to reimburse the said Respondent *Hutchinson*, in case of his Death or Removal. Who having this Encouragement, treated with the Appellant Mr. *Burton* to allow him 50 *l.* per Annum as an Assistant, and as such permitted him to officiate: And all things rested quietly till the fourth of November 1708. when some of the meaner sort of the Inhabitants, in a disorderly manner, pretended then to chuse the said Mr. *Burton* to be Curate of the said Chapel, which has since occasioned very great Disturbances and Riots in the said Hamlet.

Easter Term
1709.

The Appellant *Burton* and others exhibited an Information in the Name of the Attorney General, at their Relation, in the Court of Exchequer, against the Respondents, to establish the pretended Right of the Inhabitants to nominate a Curate to the said Chapel of *Hammersmith*; which Cause was heard, and the Bill dismissed; and from that Dismission the now Appellant appeal'd to the House of Peers, who affirmed the Decree of Dismission of the Court of Exchequer: And then 'twas apprehended all Matters wou'd have been quiet; but pending the said Appeal, the said Mr. *Burton*, his Accomplices having Possession of the Chapel, and making use thereof in a profane and riotous manner, the House of Lords ordered the Sheriff of *Middlesex* to raise his *Posse Comitatus*, and the Serjeant at Arms attending the House, to deliver Possession of the said Chapel to the Respondent *Hutchinson*, and by means thereof he was restored.

May 7. 1711.

Notwithstanding which, the Appellant *Burton* and his Accomplices, in a clandestine manner, got into Possession of the said Chapel, and continued in it in a riotous and tumultuous manner, and kept the Respondent *Hutchinson* out of Possession thereof by Force and Violence, and hath ever since set a Guard upon, and in the said Chapel, and still detain and keep him out by Force. Whereupon the said Bishop of *London*, and the Respondent *Hutchinson* exhibited their Bill in the Court of Chancery, against the now Appellant, to establish his Lordship's Right of nominating of a Curate of the said Chapel, and for quieting the Respondent *Hutchinson* in the Possession of the said Curacy, and that the Defendants, and now Appellants, might account for the Profits by them received on the Account of the Curacy of the said Chapel; and that Cause being ready for a Hearing, was on the seventh of May Instant heard; and the Lord Keeper declared that the Bishop of *London* had a Right to the Nomination of a Curate to the said Chapel, and that the same ought to be establish'd to him and his Successors, and the Respondent *Hutchinson* quieted in the Possession of the said Curacy, and did decree it accordingly.

The Premises consider'd, it's humbly hop'd that the Decree shall be affirmed, and the Appeal be dismissed with exemplary Costs.

Note, The Gentlemen that signed the now Appeal, were not the Appellant's Counsel in Chancery, and it's apprehended that those that were the Appellant's Counsel in Chancery refus'd it.

EDW. NORTHEY.
HENRY BOX.